

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

State of North Dakota,

Plaintiff,

vs.

The United States Department of Interior;
Debra Ann Haaland, in her official capacity
as Secretary of Interior; The Bureau of Land
Management; Nada Culver, in her official
capacity as the Director of the Bureau of Land
Management; and John Mehlhoff, in his
official capacity as the Director of the
Montana-Dakotas Bureau of Land
Management,

Defendants,

and

Center for Biological Diversity; Sierra Club;
Western Organization of Resource Councils;
and Dakota Resource Council,

Intervenor-Defendants.

Case No. 1:21-cv-00148

State of North Dakota,

Plaintiff,

vs.

The United States Department of Interior;
Debra Ann Haaland, in her official capacity
as Secretary of Interior; The Bureau of Land
Management; Tracy Stone Manning, in her
official capacity as the Director of the Bureau
of Land Management; and Sonya Germann, in
her official capacity as the Director of the
Montana-Dakotas Bureau of Land
Management,

Defendants.

Case No. 1:23-cv-00004

ORDER TO CONSOLIDATE CASES

[¶1] THIS MATTER comes before the Court after the Court ordered the Parties to show cause why the above-captioned cases should not be consolidated. North Dakota has agreed the two cases should be consolidated. The United States does not oppose consolidation, “provided that the Court dismiss duplicative claims concerning an alleged moratorium and Q1-2 2021 leasing decisions, preclude Plaintiff from relitigating procedural disputes decided in the first litigation, and take into account the preliminary posture of the second action.” Case No. 1:21-cv-00148, Doc. No 66, p. 6. The Intervenor-Defendants in Case Number 1:21-cv-00148 do not oppose consolidation, but request to be considered intervenors in both cases. Neither the of the other Parties have objected to the Intervenor-Defendants’ request.

[¶2] The Court has considered the record in these matters and concludes consolidation is appropriate. The Court, therefore, **ORDERS** the following:

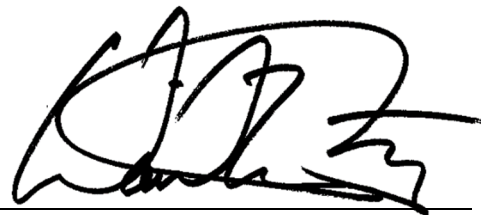
1. The above-captioned cases shall be **CONSOLIDATED**;
2. Case Number 1:21-cv-00148 is designated as the lead case;
3. All future filings shall **only be filed in the lead case** (Case Number 1:21-cv-00148);
4. The Caption of all future filings shall include the lead Case Number, 1:21-cv-00148; and
5. The Intervenor-Defendants, Center for Biological Diversity, Sierra Club, Western Organization of Resource Councils, and Dakota Resource Council, are considered to have intervened in both 1:21-cv-00148 and 1:23-cv-00004. Intervenor-Defendant's Response to the Motion for Preliminary Injunction due February 9, 2023.

The Clerk of Court is directed to refile Docket Entries 9 (Motion for Preliminary Injunction), 10 (Memorandum in Support of Motion for Preliminary Injunction), and 11 (Motion for Hearing) from Case Number 1:23-cv-00004 in the lead case.

[¶3] As to the United States' request to dismiss duplicative claims, preclude relitigating procedural disputes already decided, and to consider the preliminary posture of the second action, the Court declines to decide these issues at this time. The Parties are directed to coordinate a consolidated discovery plan with the Magistrate Judge, including motion deadlines in which the Court can properly decide any dispositive or other issue presented by the Parties.

[¶4] **IT IS SO ORDERED.**

DATED January 30, 2023.

A handwritten signature in black ink, appearing to read 'D. Traynor', written over a horizontal line.

Daniel M. Traynor, District Judge
United States District Court